

# EXHIBIT

1

**IN THE CIRCUIT COURT OF THE TIPPAH COUNTY,  
MISSISSIPPI FOR THE THIRD JUDICIAL DISTRICT**

**Gail Crowe, as the Administratrix  
of the Estate of Cletas Rowland, deceased  
and on behalf of her heirs and  
beneficiaries,**

**Plaintiff,**

NDMS: 3:17-CV-171-MPM-RP

v.

CASE NO. **CV2017-101AKH**  
**JURY DEMANDED**

**GGNSC Ripley, LLC d/b/a Golden  
Living Center Ripley; GGNSC Administrative  
Services, LLC; Golden Living; and Golden Living-Center**

**Defendants.**

**COMPLAINT FOR MEDICAL MALPRACTICE AND COMMON LAW NEGLIGENCE**

COMES NOW the Plaintiff, Gail Crowe, as Administratrix of and on behalf of the Estate of Cletas Rowland, and states as follows for her cause of action against the above styled Defendants:

**PARTIES AND JURISDICTION**

1. Cletas Rowland, at all times material to this lawsuit, was an adult resident citizen of Ripley, Mississippi. Cletas Rowland died on January 14, 2014.
2. Ms. Gail Crowe is the natural daughter and Administratrix of the Estate of Ms. Cletas Rowland.
3. Upon information and belief, Defendant GGNSC Ripley, LLC ("GGNSC") is and was at all times relevant hereto engaged in the operation, management, ownership and/or control of Golden Living Center Ripley ("GLCR") located in Tippah

**FILED**

**AUG 01 2017**

Randy Graves, Circuit Clerk  
By SB D.C.

County, Mississippi with its principal place of business located at 1000 Fianna Way, Fort Smith, AR 72919.

4. Defendant GGNSC may be served with legal process through its registered agent for service of process, Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.
5. Upon information and belief, Defendant GGNSC Administrative Services, LLC (“GGNSC Administrative”) is and was at all times relevant hereto engaged in the operation, management, ownership and/or control of Golden Living Center Ripley located in Tippah County, Mississippi with its principal place of business located at 1000 Fianna Way, Ft. Smith, Arkansas 72919.
6. Defendant GGNSC Administrative may be served with legal process through its registered agent for service of process, Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.
7. Upon information and belief, Defendant Golden Living is and was at all times relevant hereto engaged in the operation, management, ownership and/or control of Golden Living Center Ripley located in Tippah County, Mississippi with its principal place of business located at 1000 Fianna Way, Ft. Smith, Arkansas 72919. Defendant Golden Living may be served with process at 7160 Dallas Parkway, Suite 400, Plano, Texas 75024.
8. Plaintiff is also serving this complaint at the facility location where Ms. Rowland was provided services at 101 Cunningham Drive, Ripley, Mississippi, 38663.
9. This cause of action arises in tort and as a result of injuries and damages proximately caused by the Defendant’s negligence in Tippah County, Mississippi

which resulted in injury to Cletas Rowland. Plaintiff has complied with all statutory conditions precedent or concurrent with bringing this action. Plaintiff has provided Defendants with legally sufficient pre-suit notice of her intent to institute these proceedings pursuant to Miss. Code. Ann. § 15-1-36. See Notices of Intent, attached hereto as Exhibit "A." Plaintiff attaches as Exhibit "B" to this Complaint the Certificate of Expert Consultation as required by Miss. Code. Ann. § 11-1-58.

10. This Court has jurisdiction over the parties and the subject matter as a result of diversity of citizenship. Plaintiff was at all times material to this lawsuit a resident citizen of Tippah County, Mississippi. Defendants were, at all times material to this lawsuit, foreign corporations to the State of Mississippi.
11. Venue is properly situated in this Court.
12. This case was previously filed in this Court and removed to Federal District Court during the decedent's life.
13. The case was dismissed without prejudice on August 3, 2016 for failure to substitute the party plaintiff after the decedent's death.
14. It is refiled here within one year of the dismissal making it timely under Mississippi's savings statute, Miss. Code Ann. § 15-1-69.

#### **FACTS**

15. Cletas Rowland was a resident at Golden Living in Ripley, Mississippi in January of 2012.
16. During her admission, Cletas Rowland experienced several injuries due to the failure of Defendants to adequately assess, reassess, and care plan for her needs, including but not limited to the following:

- a. cellulitis;
- b. broken bone(s);
- c. pressure sore(s);
- d. infections;
- e. bruising;

**DEFENDANTS ACTS OF NEGLIGENCE, MEDICAL MALPRACTICE AND  
DEVIATIONS FROM THE STANDARD OF CARE**

17. Defendants owed a duty of care to residents such as Cletas Rowland to provide care, treatment, services, and custodial supervision within the recognized standards of acceptable professional practice applicable to them in Tippah County, Mississippi and similar communities, in addition to the duty of providing Cletas Rowland with ordinary care.

18. Defendants deviated from the recognized standard of acceptable professional practice and failed to provide Cletas Rowland with ordinary care in the following ways that resulted in certain and specific injuries to her person as described below:

- a. Failing to provide a safe environment;
- b. Failing to properly train and supervise its employees to ensure that Cletas Rowland received care, treatment, and services in accordance with state and federal laws and regulations;
- c. Failing to properly staff their facility with sufficient numbers of professional and nonprofessional staff to protect Cletas Rowland from injury and neglect;
- d. Failing to exercise the duty of care owed to Cletas Rowland;
- e. Failing to recognize the dangers associated with residents such as Cletas Rowland;
- f. Failing to properly supervise and care for Cletas Rowland;
- g. Failing to properly budget the facility to provide adequate staffing and supplies;
- h. Failure of corporate and management agents to properly staff, hire, budget, and train the facility's employees to ensure that Cletas Rowland was provided the appropriate level of care that her required; and
- i. Such other acts or omissions that may be proven through discovery or at trial.

**VII. INJURIES AND DAMAGES**

19. As a direct and proximate result of the negligence acts or omissions and willful and wanton conduct of the Defendants and/or their employees and/or agents, Cletas Rowland was caused to suffer the following harms, losses, injuries and damages, including but not limited to:

- a. cellulitis;
- b. broken bone(s);
- c. pressure sore(s);
- d. infections;
- e. bruising

20. As a direct and proximate result of Defendants' negligence, Plaintiff, is entitled to recover damages for all such injuries caused by Defendants' negligence as allowed by Mississippi's law and include, but are not necessarily limited to, any injuries or losses experienced by Cletas Rowland that did not cause her injuries, any physical or mental pain and suffering or anguish and loss of enjoyment of life and any other damages generally allowed by Mississippi law that are recoverable by a decedent's estate, in addition to medical expenses.

**VII. TRIAL BY JURY**

21. Plaintiff respectfully demands a jury to try this cause.

WHEREFORE, Plaintiff sues the Defendants for the following:

1. Compensatory and punitive damages in an amount to be determined by a jury, but in excess of \$10,000.00;

2. An award of pre- and post-judgment interest as allowed by law;
3. An award of costs herein; and
4. For all such other and further relief, general and specific, legal and equitable, to which Plaintiff is entitled.

Respectfully Submitted,



PETER GEE (Mississippi Bar No.: 100589)  
MORGAN & MORGAN - Memphis, LLC  
One Commerce Square, 26th Floor  
Memphis, Tennessee 38103  
Office: 901-333-1817  
Fax: 901-333-1897  
[pgee@forthepeople.com](mailto:pgee@forthepeople.com)

# MORGAN & MORGAN

*Attorneys At Law*

SUITE 2600  
ONE COMMERCE SQUARE  
MEMPHIS, TN 38103  
(901) 217-7000  
FAX: (901) 333-1897

May 17, 2017

**Via Certified Mail-Return Receipt Requested**

Golden Living-Center  
Attention: Administrator  
101 Cunningham Drive  
Ripley, MS 38663

GGNSC Ripley LLC  
Corporation Service Company  
506 S. President Street  
Jackson, MS 39201

GGNSC Holdings LLC d/b/a  
Golden Living  
7160 Dallas Parkway, Suite 400  
Plano, TX 75024

Golden Living  
1000 Fianna Way  
Fort Smith, AR 72919

GGNSC Administrative Services LLC  
Corporation Service Company  
506 S. President Street  
Jackson, MS 39201

RE:	Our Client	:	Cletas Rowland
	Date of Admission	:	December of 2011
	Date of Birth	:	10-11-1928
	SSN	:	412-02-1811
	Our File No.	:	MS25335

Dear Sir or Madam:

My firm represents Cletas Rowland and her family, by and through her daughter, Gail Crowe who has been appointed as the Administratrix of the estate of Cletas Rowland. My firm has evaluated Ms. Rowland's medical records that were provided by the nursing home. We have consulted with an expert witness.

Please accept this letter pursuant to Miss. Code Ann., §15-1-36(15) as putting you on notice of our representation and the possible claim. At this time, we believe that the claim revolves around the care of Golden Living in Ripley, Mississippi in Tippah County.

[www.forthepeople.com](http://www.forthepeople.com)

ATLANTA, GA ♦ BOWLING GREEN, KY ♦ COLUMBUS, GA ♦ DAYTONA BEACH, FL ♦ FT. MYERS, FL ♦ JACKSON, MS ♦ JACKSONVILLE, FL ♦ KISSIMMEE, FL ♦ LAKELAND, FL  
LEXINGTON, KY ♦ LOUISVILLE, KY ♦ MELBOURNE, FL ♦ MEMPHIS, TN ♦ MOBILE, AL ♦ NAPLES, FL ♦ NASHVILLE, TN ♦ NEW YORK, NY ♦ ORLANDO, FL ♦ PENSACOLA, FL  
PLANTATION, FL ♦ PRESTONSBURG, KY ♦ ST. PETERSBURG, FL ♦ SARASOTA, FL ♦ SAVANNAH, GA ♦ TALLAHASSEE, FL ♦ TAMPA, FL ♦ TAVARES, FL ♦ THE VILLAGES, FL  
WEST PALM BEACH, FL ♦ WINTER HAVEN, FL

EXHIBIT A

The legal basis of the claim revolves around the nursing and care that was provided to Ms. Rowland while she was a resident of Golden Living. Ms. Rowland was originally admitted to Golden Living in December of 2008. It is documented that during that time frame she had a urinary tract infection and a mental status change.

In January of 2012 while a resident at Golden Living, Ms. Rowland suffered from a urinary tract infection. Ms. Rowland was readmitted to Golden Living in January of 2012. In March of 2012, Ms. Rowland was found to have cellulitis on her right leg and then a displaced fracture to her right distal fibula-tibia. It is also believed that Ms. Rowland had at least one pressure sore during her residency at Golden Living. The family also contends that Ms. Rowland was seen with bruises on her body.

The claim would include but not necessarily be limited to negligence, violations of resident's rights, negligence per se, and medical malpractice. Ms. Rowland was a resident in need of care and assistance.

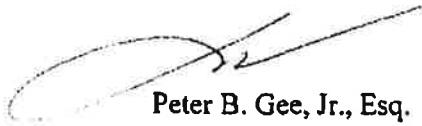
Additionally, it is believed that Ms. Rowland was not provided basic custodial care. If this matter is litigated, it is possible that in discovery other issues may be revealed or discovered that may include acts of negligence, medical malpractice, violations of resident's rights that may have caused injuries and damages to Ms. Rowland.

Ms. Rowland suffered injuries and damages from poor care, including but not limited to lack of assessments, skin care issues, issues with transfers, urinary tract infections, accident prevention, and the failure to notify a physician. As a direct and proximate result of the negligence acts or omissions and willful and wanton conduct of the Defendants and/or their employees and/or agents, Ms. Rowland was diagnosed with the following harms, losses, injuries and damages, including but not limited to cellulitis, broken bone(s), pressure sore(s), infections, and bruising.

I know that you will send a copy of this correspondence to your professional liability insurance carrier and/or your risk manager and/or your legal counsel. You are welcome to contact me, or your representative is welcome to contact me. Please contact me at (901) 333-1817 should you wish to attempt to resolve this matter before my office files suit.

Sincerely yours,

MORGAN AND MORGAN-MEMPHIS LLC



Peter B. Gee, Jr., Esq.

**IN THE CIRCUIT COURT OF THE TIPPAH COUNTY,  
MISSISSIPPI FOR THE THIRD JUDICIAL DISTRICT**

Gail Crowe, as the Administratrix  
of the Estate of Cletas Rowland, deceased  
and on behalf of her heirs and beneficiaries,

Plaintiff,

v.

CASE NO.  
JURY DEMANDED

GGNSC Ripley, LLC d/b/a Golden  
Living Center Ripley; GGNSC Administrative  
Services, LLC; Golden Living; and Golden Living-Center;

Defendants.

**CERTIFICATE OF EXPERT CONSULTATION**

**STATE OF TENNESSEE**

**COUNTY OF SHELBY**

COMES NOW Peter Byron Gee, and states the following:

1. I am attorney of record for Plaintiff, Gail Crowe, as Administratrix of the Estate of Cletas Rowland, deceased, in the above-entitled action.
2. In my capacity as attorney of record I attempted to make a thorough and complete review of all relevant facts and circumstances involved in this matter. I reviewed the facts of the case.
3. I have consulted with at least one (1) expert qualified pursuant to the *Mississippi Rules of Civil Procedure* and the *Mississippi Rules of Evidence* who is qualified to give expert testimony as to the standard of care or negligence in this matter.
4. I reasonably believe that the expert I have consulted in this matter is knowledgeable in the relevant issues involved in the particular action.

**EXHIBIT B**

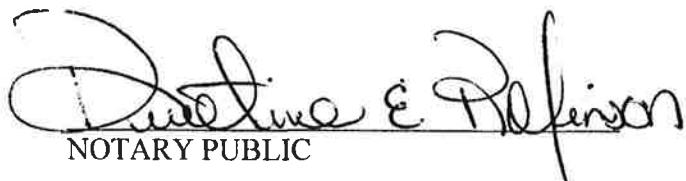
5. I have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of such action.

Further Affiant sayeth not.



PETER BYRON GEE

On this the 31st day of July 2017 before me personally appeared PETER BYRON GEE, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



Demetrice E. Robinson  
NOTARY PUBLIC

My Commission Expires:

June 17, 2019

